

education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities; and

Whereas, since 1975, federal law has authorized appropriation levels for grants to states under the IDEA at forty percent of the average per-pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, Congress continued the forty-percent funding authority in Public Law 105-17, the Individuals with Disabilities Education Act Amendments of 1997; and

Whereas, Congress has never appropriated funds equivalent to the authorized level, has never exceeded the fifteen-percent level, and has usually only appropriated funding at about the eight-percent level; and

Whereas, the Missouri State Plan for Special Education was approved for statewide implementation on the basis of the anticipated federal commitment to fund special education programs at the federally authorized level; and

Whereas, Missouri appropriated approximately \$240 million for the 2000 fiscal year in support for the state share of funding for special education programs; and

Whereas, the State of Missouri received approximately \$105 million in federal special education funds under IDEA for the 1999-2000 school year, even though the federally authorized level of funding would provide over \$313 million annually to Missouri; and

Whereas, local educational agencies in Missouri are required to pay for the underfunded federal mandates for special education programs, at a statewide total cost approaching \$208 million annually, from regular education program money, thereby reducing the funding that is available for other education programs; and

Whereas, the decision of the Supreme Court of the United States in the case of *Cedar Rapids Community School District v. Garret F.* ((1999) 143 L.Ed 2d 154), has had the effect of creating an additional mandate for providing specialized health care, and will significantly increase the costs associated with providing special education services; and

Whereas, whether or not Missouri participates in the IDEA grant program, the state has to meet the requirements of Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701) and its implementing regulations (34 CFR 104), which prohibit recipients of federal financial assistance, including educational institutions, from discriminating on the basis of disability, yet no federal funds are available under that act for state grants; and

Whereas, Missouri is committed to providing a free and appropriate public education to children and youth with disabilities, in order to meet their unique needs; and

Whereas, the Missouri General Assembly is extremely concerned that, since 1978, Congress has not provided states with the full amount of financial assistance necessary to achieve its goal of ensuring children and youth with disabilities equal protection of the laws: Now, therefore, be it

Resolved by the Missouri Senate, Second Regular Session, Ninetieth General Assembly, That the President and Congress of the United States are respectfully requested to provide the full forty-percent federal share of funding for special education program so that Missouri and other states participating in these critical programs will not be required to take funding from other vital state and local programs in order to fund this underfunded federal mandate; and be it further

Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the Chair of the Senate Committee on Budget, to the Chair of the House Committee on the Budget, to the Chair of the Senate Committee on Appropriations, to the Chair of the House Committee on Appropriations, to each member of the Missouri Congressional delegation, and to the United States Secretary of Education.

POM-448. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the Physical Education for Progress Act; to the Committee on Health, Education, Labor, and Pensions.

POM-449. A resolution adopted by the Senate of the General Assembly of the State of Illinois relative to taxation mandated by U.S. Courts; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 216

Whereas, Unfunded mandates by the United States Congress and the executive branch of the federal government increasingly strain already tight state government budgets if the states are to comply; and

Whereas, To further compound this assault on state revenues, federal district courts, with the blessing of the United States Supreme Court, continue to order states to levy or increase taxes to supplement their budgets to comply with federal mandates; and

Whereas, The court's actions are an intrusion into a legitimate legislative debate over state spending priorities and not a response to a constitutional directive; and

Whereas, The Constitution of the United States of America does not allow, nor do the states need, judicial intervention requiring tax levies or increases as solutions to potentially serious problems; and

Whereas, This usurpation of legislative authority begins a process that over time could threaten the fundamental concept of separation of powers that is precious to the preservation of the form of our government embodied by the Constitution of the United States of America; and

Whereas, Fifteen states, including Alabama, Alaska, Arizona, Colorado, Delaware, Louisiana, Massachusetts, Michigan, Missouri, Nevada, New York, Oklahoma, South Dakota, Tennessee and Utah, have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America that reads as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes."; therefore, be it

Resolved, by the Senate of the Ninety-First General Assembly of the State of Illinois, That this legislative body respectfully requests and petitions the Congress of the United States to propose submission to the states for their ratification an amendment to the Constitution of the United States of America to restrict the ability of the United States Supreme Court or any inferior court of the United States to mandate any state or political subdivision of the state to levy or increase taxes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President Pro

Tempore of the United States Senate, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, and the members of the Illinois Congressional delegation.

Adopted by the Senate, November 18, 1999.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1487. A bill to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906 (Rept. No. 106-250).

INTRODUCTION OF BILLS AND JOINT RESOLUTION

The following bills and joint resolution were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMAS:

S. 2300. A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; to the Committee on Energy and Natural Resources.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2301. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; to the Committee on Energy and Natural Resources.

By Mr. CLELAND:

S. 2302. A bill to amend the Internal Revenue Code of 1986 to expand the enhanced deduction for corporate donations of computer technology to public libraries and community centers; to the Committee on Finance.

By Mr. GRAHAM:

S. 2303. A bill to designate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the "Vicki Coceano Post Office Building"; to the Committee on Governmental Affairs.

By Mr. SHELBY:

S. 2304. A bill to amend the Internal Revenue Code of 1986 to phase out the taxation of social security benefits; to the Committee on Finance.

By Mr. BAYH:

S. 2305. A bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing a nonrefundable marriage credit and adjustment to the earned income credit; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. BROWNBACK, and Mr. ROTH):

S. 2306. A bill to increase the efficiency and effectiveness of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. JOHNSON, and Mr. HARKIN):

S. 2307. A bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.